

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

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IN RE INTACT COMPAGNIE D'ASSURANCE

Petitioner,

-against-

NEW YORK STATE POLICE DEPARTMENT,
NORTH HUDSON TROOP

Respondent.
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**PETITION FOR ORDER
TO CONDUCT
DISCOVERY FOR
USE IN FOREIGN
PROCEEDINGS**

8:21-cv-1375 (GTS/CFH)

As for the Petition of Intact Compagnie D'Assurance, by and through counsel Kenneth M. Alweis, it is respectfully submitted that:

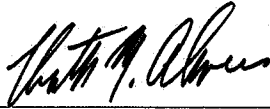
1. Petitioner, Intact Compagnie D'Assurance, based upon the supporting Declaration of its Canadian Counsel Amelie Pasquin dated December 22, 2021, and pursuant to 28 U.S.C.A. §1782 and Fed. R. Civ. P. 26 and 45, applies to this Court for an order authorizing it to serve the Subpoena attached as Exhibit "A" upon the New York State Police Department, North Hudson Branch. This party is found in this District, and the subpoena directs them to produce certain semi-trailer weigh-in documents from September 11, 2016, for use in various pending and contemplated proceedings outside the United States.
2. This Petition meets all the statutory and discretionary factors considered under 28 U.S.C.A. §1782. Petitioner is an interested party and, the Defendant, in the pending proceedings outside the United States, in Montreal, Quebec, Canada, and seeks discovery for the purpose of using it in those proceedings.
3. Respondents are not parties to the pending proceedings and can be found in this district.

4. Petitioners are not using this proceeding as an attempt to circumvent the requirements of any foreign tribunal, which are receptive to this form of discovery.
5. Finally, the discovery sought is highly relevant to the proceedings outside the United States, and is neither unduly burdensome nor intrusive. In support of these points of fact, Petitioners rely on the accompanying Declaration of Amelie Pasquin, and Exhibit “B”, a Subpoena issued by Ms. Pasquin, an officer of the Canadian Court in the Canadian action.
6. Applications made pursuant to 28 U.S.C.A. §1782 are typically received, and appropriate action is taken, *ex parte*, with any privilege issues raised and resolved through a motion to quash, made after a subpoena has been authorized and issues, if any.
7. Wherefore, Petitioners request that this court enter an Order:
 - a. Granting the Petition for discovery from Respondent pursuant to 28 U.S.C.A. §1782;
 - b. Authorizing Petitioner’s Counsel to take discovery from Respondent relating to the issues identified in this Petition, including:
 - c. Authorizing Petitioner’s Counsel to Issue the subpoena for the production of documents and deposition testimony from Respondents, in the form attached to the Petition as Exhibit “A” and,
 - d. Authorizing Petitioner’s Counsel to Issue additional subpoenas for the production of documents and/or additional depositions of Respondents as Petitioners may deem reasonably appropriate and as are consistent with the Federal Rules of Civil Procedure;
 - e. Directing Respondent to comply with such subpoenas in accordance with the Federal Rules of Civil Procedure and the Rules of this Court; and
 - f. Appointing the undersigned New York counsel for Petitioner to issue, sign and serve subpoenas upon Respondent and ordering that any testimony in this matter may be

taken before any certified court reporter authorized to take testimony and administer oaths, and such court reporters are hereby authorized to take testimony in this matter.

Dated: December 22, 2021
Syracuse, New York

Goldberg Segalla LLP
Attorneys for Petitioner

By: 

Kenneth M. Alweis, Esq. (505056)
5786 Widewaters Parkway
Syracuse, New York 13214
Tel: (315) 413-5410

Email: kalweis@goldbergsegalla.com